

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 11 was previously cancelled. Claims 1, 10, 20 and 21 are amended. Claims 1-10 and 12-21 are pending in the application.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 112

In the Office Action, at page 2, claims 1-10 and 12-21 were rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Claims 1, 10, 20 and 21 were amended, and accordingly, withdrawal of the § 112, 2nd paragraph rejection is respectfully requested.

II. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, claim 21 was rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,055,745 to Balaguer. This rejection is respectfully traversed because Balaguer does not discuss or suggest:

a frame to form the oven compartment;

a kneading system including at least one kneading drum for kneading dough;

an oven including a rear part and a side part accommodated in the oven compartment, and separated by a space from the frame, the oven providing heat from the heating system to make bread from

the dough;

a spacing part provided between the frame and the oven to form a space between the frame and the oven; and

an insulation provided between the frame and the oven in the space between the frame and the oven, which combines the frame with the oven,

as recited in amended independent claim 21.

As a non-limiting example, the present invention as set forth in claim 1, for example, is directed to a bread maker having a heating system and a kneading system. The bread maker includes a main body having an oven compartment, an oven, a spacing part provided between the main body and the oven, and an insulation member. The oven includes a rear part and a side part in the oven compartment. The spacing part forms a space between the main body and the oven and is used to combine the main body and the oven, the spacing part protruding toward the rear part of the oven to form a space. The insulation member is interposed in the space between the main body and the oven. The kneading system kneads dough, and the heating system generates heat in the oven to make bread from the dough.

Hedenberg discusses an apparatus for making food products, such as bread, cakes, etc., including two halves of a housing 81 and 82, which make up a thermally insulated casing 15. Within the casing 15 is a dough preparation and heat treatment station 13, 14. Hedenberg does not discuss or suggest that a spacing part is provided between the frame and the oven to form a space between the frame and the oven. Hedenberg does not discuss or suggest that a spacing part is provided between the outer housing, alleged to correspond to the frame by the Examiner, and the housing halves 81, 82, which are alleged by the Examiner to correspond to the oven. Hedenberg merely provides a heating station 13, 14 to heat dough surrounded by a thermally insulated casing 15, but does not discuss or suggest that a spacing part is provided between the outer housing and the oven to form a space between the outer housing and the oven. Hedenberg further does not suggest that insulation is provided between the frame and the oven in the space between the frame and the oven, which combines the frame with the oven.

Hedenberg only shows that the casing 15 is situated directly against the outer housing and that the oven is within the casing 15. Hedenberg does not suggest that a spacing part is provided between the frame and oven to form a space between the frame and oven and that the casing 15 is interposed therebetween.

Therefore, as Hedenberg does not discuss or suggest "a spacing part provided between the frame and the oven to form a space between the frame and the oven; and an insulation provided between the frame and the oven in the space between the frame and the oven, which

combines the frame with the oven,” as recited in amended independent claim 21, claim 21 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

III. Rejections under 35 U.S.C. §103

In the Office Action, at page 3, claims 1-10 and 12-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balaguer in view of U.S. Patent No. 4,924,072 to Oslin. This rejection is respectfully traversed because the combination of Balaguer and Oslin does not suggest a bread maker including a heating system and a kneading system, including:

a spacing part provided between the main body and the oven to form a space between the main body and the oven and used to combine the main body and the oven, the spacing part protruding toward the rear part of the oven to form a space; and

an insulation member interposed in the space between the main body and the oven,

wherein the kneading system kneads dough and the heating system generates heat in the oven to make bread from the dough,

as recited in amended independent claim 1.

The combination of Balaguer and Oslin further does not suggest:

a spacing part provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation;

wherein the spacing part protrudes towards the frame to form a space in which the insulation member is placed,

wherein the kneading system kneads dough and the heating system generates heat in the oven to make bread from the dough,

as recited in amended independent claim 10.

The combination of Balaguer and Oslin additionally does not suggest:

an oven including a rear part and a side part accommodated in the oven compartment, and separated by a space from the frame, the space being formed by a spacing part protruding toward the frame; and

an insulation provided between the frame and the oven which combines the frame with the oven,

wherein the kneading system kneads dough and the heating system generates heat in the oven to make bread from the dough,

as recited in amended independent claim 20.

Balaguer is directed to a food cooking oven that includes an oven 20, inner walls 22, 24, 26, 28 and 29 and outer walls 32, 34, 36, 38 and 39. Insulation 40 is provided between each of the respective inner and outer walls in Balaguer. First, Balaguer does not discuss or suggest that the food cooking oven is a bread maker including a kneading system to knead dough. Second, Balaguer does not discuss or suggest that a spacing part is provided between the main body of the bread maker and the oven to form a space between the main body and the oven and that is used to combine the main body and the oven, as recited in claims 1, 10 and 20. Balaguer further does not suggest that the spacing part protrudes toward the rear part of the oven to form a space. Additionally, while Balaguer does discuss thermal insulation, Balaguer does not suggest the use of insulation, where insulation is interposed in the space formed between the main body and the oven that was formed by the spacing part provided between the main body and the oven. Balaguer merely shows that insulation may be provided between an outer frame and an oven compartment, but does not suggest the formation of a spacing part that is used to combine the main body and the oven, where the insulation is interposed between the main body and oven.

The Examiner alleges that Oslin makes up for deficiencies in Balaguer, specifically in providing a spacing part between an oven and a main body, the spacing part being spacers 212 that maintain structural support and separation of parts of the door 22. The Applicant respectfully submits that Oslin fails to make up for the deficiencies in Balaguer.

Oslin discusses humidity control for an oven chamber that shows a portion of the door 22 of the oven 20 at Fig. 8. Oslin discusses that structural support and separation of parts of the door 22 is maintained by a plurality of spacers 212 and by the insulation 34, a structurally rigid piece of insulation board. First, Oslin does not suggest that the oven is a bread maker that includes a heating system and a kneading system for heating and kneading dough. Second, Oslin discusses that the spacers 212 provide separation of parts, but does not suggest that a spacing part is used to combine the main body and the oven, where the insulation is interposed between the main body and oven.

Further, the Examiner alleges that “[i]t would have been obvious to one skilled in the art to provide the device of Balaguer with spacing members as taught in Oslin, in order to provide structural support and a rigid connection between the oven and oven compartment.” However, it is unclear as to how providing structural support and a rigid connection would suggest the use of a spacing part to combine a main body and an oven and provide a space in which insulation is

interposed, specifically because the spacing part of Oslin is merely a spacing bracket interposed between the interior and exterior surface of the door.

In addition, neither Balaguer nor Oslin discuss or suggest that insulation is provided in a space formed from a spacing part in a bread maker that including a heating system for heating dough and a kneading system for kneading dough.

Therefore, as the combination of the teachings of Balaguer nor Oslin does not suggest all the features of independent claims 1, 10 and 20, and as the motivation cited is inadequate to suggest all the features of claims 1, 10 and 20, claims 1, 10 and 20 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-9 and 12-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that "the spacing part protrudes towards the side part of the oven to form the space in which the insulation member is interposed, at least one second protruding part formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second protruding part." Therefore, claims 2-9 and 12-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 4, claims 5-7 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balaguer in view of U.S. Patent No. 4,757,181 to Sakamoto et al. This rejection is respectfully traversed.

As discussed above, Balaguer does not suggest all the features of independent claims 1 and 10, from which claims 5-7 and 15-19 depend. Further, Sakamoto does not make up for the deficiencies in Balaguer. Sakamoto merely discusses a weighing apparatus combined with a heating oven to control heating power, but does not suggest that the oven is a bread maker that includes a spacing part and insulation. Therefore, as the combination of Balaguer and Sakamoto does not suggest all the features of independent claims 1 and 10, claims 1 and 10 patentably distinguish over the references relied upon.

Claims 5-7 and 15-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 7 recites that "the spacing part protrudes towards the side part of the oven to form the space in which the

insulation member is interposed; at least one second bracket formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second bracket." Therefore, claims 5-7 and 15-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1, 10, 20 and 21 have been amended. Claim 11 was previously cancelled. Claims 1-10 and 12-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

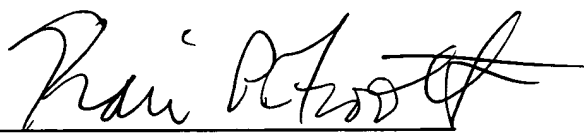
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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